

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 9-26-75 by deft. on cross claim.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>HAROLD W. BROOKS, HELEN L. BROOKS, JOHN D. BROOKS and LINDA L. BALDWIN</p> <p>VS</p> <p>JAMES E. SEASHOLTZ, IRA J. SEAHOLTZ and ROBERT J. WINTERS</p>		<p>For plaintiff:</p> <p>George M. Ablah 911 Cravens Bldg., Oklahoma City, Okla. 73102</p> <p>49-225-3162</p> <p>Thomas R. Brett (Ablah) 201 West 5th, Suite 400 Tulsa 74103 583-115</p> <p>For defendant:</p> <p>J.E. Seasholtz, Pro Se 946 Main St., Follansbee, West Va. 52585 Base Street 26037 New Baltimore, Michigan 48047 P.O. Box 296, Wagoner Ok 73860</p> <p>Joseph E. Mountford Savings and Loan Bldg. Miami, Okla. 74354 (Ira J. Seaholtz)</p> <p>8-376 Lawrence A. McSoud (MJ.E. Seasholtz) Suite 306 Center Office Bldg. 630 W. Seventh St. Tulsa, Okla. 74127</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 8-1-74	Clerk	7-17-74	Ablah	15 00			
		7-18-74	C/D #3		15 00		
J.S. 6 mailed 10-1-76	Marshal						
Basis of Action: Suit on Note	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-17-74	1. Complaint, filed. Summons issued. g	
7-22-74	SUMMONS, ret. & filed: UNSERVED as to Robert J. Winters and Ira J. Seasholtz, (USM .48¢)g	
8-26-74	US MARSHALS service returned and filed. Executed by serving summons on James E. Seasholtz, 8-21-74 at Follansbee, W. Virginia. (USM \$9.28)jj	
9-3-74	2. Deft. J.E. Seasholtz Motion to Quash Issuance of Process & Service or on the Alternative to Dismiss, Limited Appearance Only, filed. v (Brief as part of pldg.)	
9-3-74	Ordered by the Court that Pltff. is granted 10 days from this date to respond to Deft's Motion to Quash, or etc. (AEB-J)v	
9-4-74	3. Amended Complaint, filed. v <i>Summons issued.</i>	
9-9-74	4. Memorandum in support of motion to quash or dismiss for lack of jurisdiction over defendants and over subject matter, filed. g	
9-9-74	J. E. 5. Mot. of deft. Seasholtz to quash issuance and service of process and summons or on the alternative to dismiss amended complaint, filed. g	
9-9-74	6. Brief in support of Seasholtz mot. quash or dismiss amended complaint, filed. g	
9-9-74	MO Pltff. granted 10 days to respond to mot. to quash service/or dismiss amended complaint. AEB-J)g	
9-30-74	Return on U.S. Marshals service, alias summons filed. Unable to serve Robert J. Winters; served Ira J. Seasholtz by serving Mrs. Seasholtz at New Baltimore, Michigan, on 9-12-74 w/ fees of \$28.00; (second alias summons); served Ira J. Seasholtz by serving Mrs. Seasholtz at New Baltimore, Michigan, on 9-12-74 w/ fees of \$4.00 (first alias summons); served James E. Seasholtz at Fallansbee, West Virginia on 9-23-74 w/ fees of \$23.20.k	
10-10-74	7. Motion for Enlargement of Time, filed. lm	
10-10-74	8. Order that Ira J. Seasholtz be granted until 11-1-74 in which to file an Answer or other pleading. (JCS-Clk) lm copies mld. of James Seasholtz	
10-15-74	9. Application for Additional Time to Plead or Respond to Complaint and Amended Complaint of Pltffs. until 10-30-74, filed.jj w/ brief in support attached. <i>acty to bring in 0</i>	
10-17-74	James Seasholtz 10. ORDER, filed, granting Additional time to plead or respond to pltffs' complaint until 10-30-74. (JCS-Clk)jj <i>copies made back</i>	
10-30-74	11. Separate ans. & counterclaim of deft. Ira J. Seasholtz, filed.k	
11-11-74	Second Alias Summons for Robt. J. Winters issued. k	
11-18-74	Second alias summons, ret. & filed: served Robert J. Winters at Omaha, Nebr. 11-12-74. (USM \$5.56)g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-2-74	12. Reply of Pltfs. to Separate Ans. & counterclaim of Deft. Ira J. Seasholtz, filed.	v
12-23-74	13. Request for Admissions, filed by Pltfs. v	
12-31-74	14. Pltfs' request for admissions, filed. hm	
1-3-75	15. Mot. of J. E. Seasholtz for protective order, w/brief, filed. g	
2-14-75	by the Court MO: Ordered that pltf is granted 10 days from this date to respond to Motion for Protective Order by Defendant J. E. Seasholtz. (AEB-J)jj	
2-14-75	15. MOTION for S/J against Deft. J. E. Seasholtz, filed. jj	
2-14-75	16. BRIEF in Support of Mtn. for S/J, filed. jj	
2-14-75	MO: Ordered by the Court that deft. J. E. Seasholtz, is granted 10 days from this date to respond to pltf's Mtn. for S/J (AEB-J)jj	
2-19-75	17. RESPONSE of pltfs. to motion of deft, J.E. Seasholtz, for protective order, filed. lm	
2-19-75	18. MOTION for extension of time w/BRIEF, filed. lm	
3-4-75	19. Mot. of J. E. Seasholtz to deny pltf's mot. for S/J, with brief, filed. g	
3-4-75	20. Mot. of J. E. Seasholtz for S/J, filed, with brief. g	
3-4-75	MO: Ordered by the Court that pltfs. are granted 10 days to respond to motions of deft. Seasholtz to deny pltf' mot. for S/J, and for S/J. (AEB-J)g	
3-10-75	21. Response to MOt. of Deft., J. E. Seasholtz, for Summary Judgment, filed by Pltfs. v	
5-21-75	MO: Case referred to Mag. Bradford for hrg/rec re pending mots. (AEB-J)k	
8-13-75	Case called for hearing on pltf's motion for summary judgement, and Defts motion to deny pltf's motion for S/J & for S/J of the pleadings. Hearing passed to next motion docket. (MLB-Mag)b	
9-17-75	Case called for hearing before Magistrate on Deft's motion to quash issuance & service of process & summons or on the alternative to dismiss; Motion for Court to deny Pltf's motion for S/J filed by J.E. Seasholtz; Motion of J.E. Seasholtz for S/J on pleadings. Parties represented. Pltf's motion is denied. Deft's motions are denied. Pltf. to prepare formal order & F&R in 10 days. Deft. to file answer within 10 days. (MLB-Mag) b	
9-19-75	22. Findings and recommendations of Magistrate, filed. rm-copies mailed of J. E. Seasholtz	
9-26-75	23. Answer to petition responsively, and defts' claim against plaintiffs with req. for jury trial on defts' claim, filed. g	
9-28-75	24. Certificate of mailing, filed. g	
10-1-75	25. Order, filed, that mtn. of deft. James Seasholtz to quash issuance and serv. of process and summons or dismiss is overruled; Ordered that mtn. of deft. James Seasholtz for s/j on pleadings is overruled; Ordered that mtn. of pltfs for s/j against deft. James E. Seasholtz is overruled and Ordered that deft. James Seasholtz ans. in above matter within 10 days from 9-17-75. (AEB-J)jj copies mailed	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-3-75	26. Pltfs.' reply to Deft. J. E. Seasholtz's ans. and counter claim, filed.k	
10-21-75	27. Special appearance and mo/quash and plea to the jurisdiction and venue, filed. hm	
10-21-75	28. Motion of pltfs. to strike from answer and claim against pltfs. of deft. James E. Seasholtz, filed. hm	
10-21-75	29. Brief in support of special appearance and mo/quash and plea to jurisdiction and venue and mo/strike, filed. hm	
10-22-75	MO: Deft. J.E.Seasholtz' motion for Protective Ord. is moot.(MLB-Mag)b	
10-23-75	MO: Ordered that deft. James E. Seasholtz file response within 10 days to spec. appearance & mo/quash & plea to the jurisdiction & venue, and pltfs' mo/strike from answer and claim against pltfs. (AEB-J)hm	
11-21	MO: Case set for hrg. before the Magistrate re pending mots. on 12-10-75 at 9:30 a.m. (MLB-Mag)k	
12-10-	Case called for hearing before Magistrate on Pltfs motions to quash & plea to jurisdiction & venue & to strike from answer & claim against Pltfs of Deft. James E. Seasholtz. Motions sustained. Pltf. to prepare F&R & Order on or before 12-17-75, per letter from Mag. No parties present at hearing.(MLB-Mag) b	
12-12	Motion of Lawrence A. McSoud, Attorney, to withdraw as attorney for the deft. James Emory Seasholtz, filed. ph	
12-15	ORDER allowing deft's atty, Lawrence A. McSoud to withdraw, filed.t	
12-19	31. Findings & Recommendations of Magistrate, filed. (MLB-Mag)v	
1976		
1-6-76	32. Order, filed that the mo. of Pltfs. to strike from answer and Claim Against Pltfs. of Deft, James E. Seasholtz, and the Special appear. and mo. to Quash and Plea to the Jurisdiction and Venue of George M. Ablah be sustained. (AEB-J)ph cps. mld.	
1-19	33. Appli. for allowance of deft's atty fees in amt of \$1050, filed.lm	
1-26-76	34. Atty's for Defts Time Records, filed.jj	
2-9	35 Findings and Recommendations of Special Master as to Attorneys' fees, filed. g	
2-9	MO: Parties are advised that the Report of the Special Master was filed this date. Pursuant to the agreement of the parties at the hearing on 1-27-76, all objections must be filed 2 days thereafter, taking into consideration the provisions of Rule 6(e) of the FRCP which provides that when service is made by mail an additional 3 day period is computed from time of such service. Said notice of Special Master's Report shall be served by certified mail. (AEB-J)g	
2-17	Pltf's. Motion to accept special Master's Report and to deny Intervenor's Exceptions and Motions to correct and recommendations, filed.t(With Bf. apart of Motion)	
2-23	37. Statement of no exceptions to Special Master's Report, filed by Dr. Ira John Seasholtz. g	
2-26	MO Parties directed to hold PT conference on or before 3-11-76 and file PT Order by 3-18-76. (AEB-J)g	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-27-76	ORDER, filed. Ordered that the "Exceptions" and Mot. filed by the Intervenor be and the same is hereby overruled; that the F/R of the Special Master be and the same are hereby affirmed and adopted by this Court; that attorneys' fees be allowed as follows: Stipe, Gossett, Stipe & Harper from the recovery of James Emory Seasholtz \$750.00, Lawrence A. McSoud from the recovery of James Emory Seasholtz \$4,000.00, W. L. Steger from the recovery of James Emory Seasholtz \$4,000.00, W. L. Steger and Lawrence A. McSoud from the recovery of Harold W. Brooks \$5,408.00, J. R. Hall, Jr. and Joseph Mountford from the recovery of Ira John Seasholtz \$10,201.37. (AEB-J)t cps. mld.	
3-3	Order, filed, granting motion of Lawrence A. McSoud to withdraw as atty. for def., James Emory Seasholtz; further that def. Seasholtz be allowed 10 days from this date to obtain other counsel.(AEB-J)rm copies mailed	
3-18	Proposed pretrial order, filed by Deft. James Seasholtz. v	
3-18	Plaintiffs' proposed pretrial order, filed. v	
6-17	MO: Case set for disposition on 7-12-76 at 11:00 a.m. for failure of def. Ira Seasholtz to file proposed pre-trial order. (AEB-J)k ntc by cert ml	
7-12	Case called for disposition for failure of Deft. Ira Seasholtz to file proposed P/T order. Pltf. counsel present & makes statement re: I. Seasholtz failure to respond to other parties as to P/T order. Court rules case will be set for trial.(AEB-J)b	
7-23	MO: Case set for jury trial on 9-7-76, at 9:30 A.M.(AEB-J)b nts by cert.ml	
8-23	Pltfs' exhibit affidavit, filed.k	
8-31	Motion of U.S.A. to quash subpoena of Paula A. Latshaw, filed, with subpoenaed documents attached.k	
8-31	Order, filed, that motion of USA to quash subpoena of Paula A. Latshaw is sustained. (AEB-J)s cps. mld. <i>to us atty</i>	
9-7	Case called for jury trial. Pltf. represented. Defts not present or represented. Case passed to 3:00 P.M.(AEB-J)b	
9-7	Case called for hearing on default judgment & for dismissal for failure to prosecute. Pltf. represented. Defts not present or represented. Witnesses sworn & testify. Ct. grants Judgment for lack of prosecution. Dismissal as to Deft. Winters. Ct. allows \$180,000 & atty fees of \$18,000. Counterclaims of Defts dismissed for lack of prosecution. Judgment & Order signed & filed in open Court.(AEB-J)b	
9-7	Pltfs' exhibits, filed, b Order, filed, that judgment be entered in favor of Pltfs & against defts, J. E. Seasholtz & Ira J. Seasholtz. Further Ordered that cause of action & complaint be dismissed as to def. Robert J. Winters. Further ordered that Counter-claims of Deft. Ira J. Seasholtz & J. E. Seasholtz be dismissed for failure to prosecute. (AEB-J)b cps mld	
9-7	Judgment, filed & entered, in favor of the Pltfs & against defts James E. Seasholtz & Ira J. Seasholtz, in sum of \$180,000.00, + int. at 6% from this date, w/atty. fee of \$18,000.00 & costs of this action.(AEB-J)b cps mld	

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DATE '76	PROCEEDINGS	Date Order or Judgment Noted
9--9	Return on U.S. Marshal's Service, Civil Subpoena to Produce Document & Civil subpoena, fld. Served William A. Pacey in OK City, OK, on 9-2-76 w/fees of \$6.36. Served Paula A. Latshaw in Dallas, TX, on 8-26-76, w/fees of \$3.00. v	
12/14	Execution, issued. lm	
7-11-80	EXHIBITS on default hrg. returned to pltf. hm	